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UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 1:02-cr-46
)	
v.)	Honorable David W. McKeague*
)	
JACK E. CHRISTIANS,)	
)	
Defendant.)	<u>ORDER</u>
)	
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CITY OF GRAND RAPIDS)	
RETIREMENT SYSTEMS OFFICE)	
)	
Garnishee Defendant.)	
)	
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On June 7, 2005, U.S. Magistrate Judge Joseph G. Scoville issued a report and recommendation concerning a garnishment writ served on the City of Grand Rapids Retirement Systems, seeking to satisfy the unpaid criminal judgment in the amount of \$60,000.00, plus interest, imposed by this court as a consequence of the conviction of Jack E. Christians. The report and recommendation concluded that the state-law exemptions asserted by the City Retirement System provide no defense to a garnishment writ issued to satisfy a judgment for criminal fines. The City Retirement System did not file objections to the report and recommendation. An attorney for defendant Jack Christians, however, has now filed an objection to the report and recommendation. Defendant's objection does not raise any legal or factual error in the report and recommendation.

Rather, defendant asks for a stay of sixty days, so that he can arrange a bank loan to pay the criminal judgment in full.

This court is required to review proper objections to a report and recommendation *de novo*, but defendant has not raised any substantive objection to the analysis or recommendations of the magistrate judge. The court's independent review of the record and legal issues involved leads to the conclusion that the report and recommendation is correct and should be adopted as the opinion of the court. Defendant's cursory and belated request for the court's indulgence in staying execution of the writ is not meritorious. Defendant has paid less than \$300.00 against the judgment over the past three years, which hardly establishes good faith in meeting his obligations. The government has the statutory right to execute on any nonexempt assets, and defendant's city pension is clearly nonexempt. Any request for forbearance should be directed to the United States Attorney, who may be willing to accommodate defendant's request upon reasonable conditions. This court, however, is unwilling to delay the government's ability to collect the criminal judgment in the circumstances presented here. Accordingly:

IT IS ORDERED that defendant's objections to the report and recommendation of the magistrate judge (docket # 264) be and hereby are OVERRULED.

IT IS FURTHER ORDERED that the report and recommendation of the magistrate judge (docket # 262) is hereby ADOPTED as the opinion of the court.

IT IS FURTHER ORDERED that the objections of garnishee defendant City of Grand Rapids Police & Fire Retirement System (docket # 257) are hereby OVERRULED.

IT IS FURTHER ORDERED that garnishee defendant City of Grand Rapids Police & Fire Retirement System is ORDERED to comply with the continuing writ of garnishment issued by the Clerk of this Court dated May 2, 2005.

Dated: July 7, 2005

/s/ David W. McKeague
David W. McKeague
United States Circuit Judge

* Honorable David W. McKeague, United States Circuit Judge for the Sixth Circuit Court of Appeals, sitting by designation.